12/6/52

Revenue (1952) Dept.

Lodged

FOR MYSORE STATE

6.9.52
Supdt

Back Pages
Memo. 2633/50-3 Pub(Sec-C)
Dt 21.8.50

T.16.

Fr 6942742

REVENUE DEPARTMENT.

Abstract.

ASSIGNMENT - House-sites--(Bellary)--Siruguppa taluk and town--Site in S.No. 1816--Granted to Srimathi Ambamma--Revision petition.

Madras. Ref.No. B. 7339/52-1. 29th August 1952.

From

SRI A.F. MASCARENHAS, I.A.S., SECRETARY, BOARD OF REVENUE.
SRI W.R.S. SATTIANATHAN, I.C.S., COMMISSIONER OF LAND REVENUE.

Pp 2-3 ant Read:- Petition from Sri Illur HanumanthAppa dated 14-8-52.

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REFERENCE:

Forwarded to the Collector of Bellary for submission of the connected records before 30-9-52 with such remarks as he considers necessary regarding the allegations in the petition which are not clearly dealt with in the records.

2. The Collector is requested to stay further proceedings and to restrain the assignee from constructing on the plot till the present petition is finally disposed of by the Board.

✓ Pp 2-3 ante 3. A copy of the revision petition is submitted to the Government. As the Board considers that there is every likelihood of the respondent beginning the construction on the plot, the further proceedings in the matter have been stayed.

R. Vadivelu 30.9.52
For SECRETARY.

To The Collector of Bellary with a petition and enclosures in original.to be returned with reply. (paras 1 and 2).
To the petitioner. Through his Counsel Sri R.Sundaralingam, 35, Nadu St., Mylapore, Madras. (para 2 only).
✓ To the Secretary to the Government, Revenue Department. with a copy of the petition.

HS/29-8.

Lohm 30/9

COPY OF PETITION DATED 14-8-52 FROM ILLUR HANUMANTHAPPA:-

BEFORE THE BOARD OF REVENUE MADRAS.

Appeal No. of 1952.

Sub: Assignment - House sites - Bellary District - Siruguppa taluk And Town - Site in S.No. 1816 - Appeal.

Illur Hanumanthappa. ... Appellant.

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The appellant abovenamed begs to state as follows:-

1. The Appellant is the owner of House No.22, in Ward No. VI in Siruguppa Town.- The same is marked as ABCD in the plan enclosed herewith. To the eastern side of the said house, there is an open space marked KLMNOPQR in the plan filed herewith. The same belongs to the Government and its Survey No. is 1816.

2. The Appellant learnt that the Collector of Bellary had assigned the said plot to one Ambamma, and at once he filed an application before the Collector and prayed that the Collector may be pleased to cancel the said assignment. The Collector was first pleased to stay his said order of assignment but subsequently rejected the said application and directed the appellant to file an appeal to this Hon'ble Board.

3; Under the circumstances, the appeallant abovenamed begs to prefer the above appeal to this Hon'ble Board, for the following among other grounds:-

(1) The preliminary notice calling for objections was not filed in the Town and nobody in the Town knew anything about the proposed assignment; nor were copies of the notice affixed to the site applied for or even at any conspicous place in the vicinity.

(2) No consideration has been given to the alignment of houses. The plot assigned now is in the midst of houses and the sewage water from this house is likely to render the locality most insanitary and highly unhealthy.

(3) The Collector himself stated at the Jamabandi, that assignment of the whole site or even portions of the same had been prohibited as entries to that effect have been made in the Prohobitory Book and rejected in May 1952 several applications on this score.

(4) The site being situate in a town, under B.S.O. No. 21-11 (VI) market value cannot be collected and the same assigned: Public auction is mandatory and the said proceedure has not been followed.

(5) The case not coming within B.S.O. NO. 21-14, the Collector had no jurisdiction to assign the site, in the manner it has been done.

(6) The Collector failed to note that the said Ambamma was not in previous occupation of the site and if she contended to the contrary that the occupation was objectionable.

(7) The said Ambamma does not own any house in the locality.

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4. The Appellant therefore prays that the Board may be pleased to call for the records, scrutinise them and cancel the order of the Collector, directing assignment in favour of Anbamma.

5. Taking advantage of the order of assignment, the said Anbamma, began construction of substantial structures on the plot assigned to her. When it was brought to the notice of the Collector, that his said order of assignment was not legal and that the said Anabmma being allowed to go on with her construction of substantial superstructures theron may complicate matters, he was pleased to stay his order; but the said Anbamma later on appeared before the Collector and contended that he had no jurisdiction to cancel his own order, whether it was right or wrong and that the remedy of the appellant therein was only to file an appeal against his order to this Hon'ble Board., the collector, rejected the application of the appellant therein before him and also dissolved the stay.

6. Taking advantage of the cancellation of the stay the said Anbamma is taking further steps to go on with her building operations on the assigned plot. The Appellant respectfully submits that the order of the Collector is not legal and if before the above appeal is disposed of by the Board, the said Anbamma should put on substantial structures on the said plot, the same may lead to difficulties and complications; but on the other hand by her being prevented from continuing her building operations pending disposal of the above appeal, in this Hon'ble Board, she would not be put to any difficulties.

7. The Appellant therefore further prays that the Board may also be pleased to stay the operations of the order of the Collector pending disposal of the above appeal.

(True copy).

HS/29-8.

For SECRETARY.

T. A.J. 30.8

Rev Dept

Please see the Board's ref and its enclosures on ppl-2 above. The Board has issued stay orders in the matter and submitted a copy to Govt with reference to Govt Memo No 2633/50-3 Poli(Sn-C) d 21.8.50. No action is called for. May be lodged after perusal by M(L.R) and C.M

6/9/52 9/9/52 DS 11.9.52 DS(T) C.M

SECRETARY TO GOVERNMENT 8 SEP 1952

12/9 M(L.R.)

SECRETARY TO GOVERNMENT 18 SEP 1952 REVENUE DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 18 SEP 1952 REVENUE DEPARTMENT